

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KOOLAIRE, LLC,

Plaintiff,

-vs-

CARDINAL TRANSPORT, INC.,

Defendant.

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Case No.1:10cv501

O R D E R

Judge Christopher A. Boyko

On March 23, 2010, Plaintiff Koolaire, LLC filed a Motion to Remand to State Court (Dkt. #4). On April 6, 2010, the case was referred to Magistrate Judge James S. Gallas for general pretrial supervision. On May 25, 2010, the Magistrate Judge issued a Report and Recommendation pursuant to Local Rule 72.2 , recommending this case be remanded to State Court.(Dkt. # 21).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen (14) days after service, but Plaintiff has failed to timely file any such objections. Therefore, the Court must assume that Defendant is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Gallas' Report and Recommendation is ADOPTED and Plaintiff's Motion to Remand is granted. The above captioned case is remanded to

the Cuyahoga County Court of Common Pleas. The Court declines to award costs and expenses, including attorney's fees, under 28 U.S.C. § 1447(c). Defendant's attempt to remove the action, though improper, was fairly supportable and objectively reasonable. *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005); *Bartholomew v. Town of Collierville*, 409 F.3d 684, 687 (6th Cir. 2005).

IT IS SO ORDERED.

Dated: June 18, 2010

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE